

TRANSCRIPT OF RECORD

Supreme Court of the United States

OCTOBER TERM, 1952

No. 111 2

HARRY BRIGGS, JR., ET AL., APPELLANTS,

vs.

**R. W. ELLIOTT, CHAIRMAN, J. D. CARSON, ET AL.
MEMBERS OF BOARD OF TRUSTEES OF SCHOOL
DISTRICT No. 22, CLARENDON COUNTY, S. C.,
ET AL.**

**APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF SOUTH CAROLINA**

FILED JUNE 3, 1952

Probable jurisdiction noted June 9, 1952

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(Doctor Robert Redfield's testimony from the case of Sweatt vs. Painter, et al., was copied into the record as follows:)

DOCTOR ROBERT REDFIELD, a witness produced by the relator, having been by the Court first duly sworn as a witness, testified as follows:

Direct examination.

Questions by Mr. Marshall:

Q. Give the Court your full name, sir.

A. Robert Redfield.

Q. And your present occupation?

A. I am now Professor of Anthropology and Chairman of the Department of that name at the University of Chicago.

Q. Will you review briefly your past qualifications, and your training, and the positions you have held, and the general work you have been doing?

A. After taking a Bachelor's Degree, I went to the [fol. 231] University of Chicago Law School and took a degree of J. D. I was admitted to the Bar of the State of Illinois, and two years thereafter returned to academic life, where I received training in Anthropology and Sociology, and special work in the problems between the racial and color groups. I received a Doctor's Degree in 1928.

Except for periods when I have been giving instruction at other universities in the United States, I have been employed at the University of Chicago as a teacher, and doing research work, and as an educational administrator.

I have also been in charge of the research program for Carnegie Institute at Washington, and at the present I am in that capacity. Last October I gave up the position of Dean of Social Sciences at Chicago University, a position I held for 12 years.

Q. How long have you been studying in the field of racial differences?

A. About 20 years.

Q. And in that period of time have you considered the question of alleged racial differences in school students?

A. I have considered many aspects of the problem of differences between national groups, including school students.

Q. And have those studies included the comparison of students of both races, studying under the same circumstances?

A. I have followed the literature in that field, as well [fol. 232] as, of course, making my common-sense observations as a teacher and administrator.

Q. Well, Dr. Redfield, as a result of your studies, are you in a position to give your opinions on the general subject? I will give you more specific ones later, but I wish on the general subject of, one; the inappropriateness of segregation to the purposes of education, the inappropriateness of segregation in education to the interests of public security end of it, and to the general welfare of the community.

Mr. Daniel: Your Honor, we object because this lawsuit involves only education in law and procedure. We object to any questions or opinion evidence that may be offered as to general surveys, not limited to law schools, which are composed of those who have completed certain preliminary work in other fields, and we object to the testimony that has been called for by this question, to the question, and to any other questions along that line.

Mr. Marshall: May it please the Court, this case has narrowed down to one issue. I think the pleadings did considerable toward the end of narrowing it down. In the first place, in our original petition we claimed that the refusal to admit the relator was in violation of the 14th Amendment, and in all of the pleadings filed by the State of Texas, no question has ever been raised as to the qualifications of relator other than his race or color, so that is out of consideration.

[fol. 233] The defense of respondents is summed up in their first supplemental answer, large paragraph 2, small (1) in parenthesis, in this statement.

I am quoting.

“The Constitution and laws of the State of Texas require equal protection of law and equal educational opportunities for all qualified persons, but provide for

separate educational institutions for white and negro students."

And then follows the allegation that the refusal to admit the relator in this case was not arbitrary at all, and was not in violation of the 14th Amendment, but was in keeping with the segregation statutes of the State of Texas, and in that way joined issue; and in the second supplemental petition we alleged:

"In so far as respondents claim to be acting under authority of the Constitution and laws of the State of Texas their continued refusal to admit the relator to the Law School of the University of Texas is nonetheless in direct violation of the 14th Amendment to the Constitution of the United States."

If there can be any doubt as to our position in the case, in the fourth paragraph in the same pleading in the supplemental petition, we state:

"In so far as the Constitution and laws of Texas relied on by respondents prohibit relator from attending Law School of University of Texas because of his race and color such constitutional and statutory provisions of the State of Texas as apply to relator are in direct violation of the 14th Amendment to the Constitution of the United States."

So I think that the lines are drawn in this case, and the direct attack has been made that the statutes requiring segregation, the general statutes which prohibit this relator [fol. 234] from attending the University of Texas, we claim are unconstitutional, and we have the right to show their unconstitutionality.

How do we propose to do so? Several ways. Before that, I would like to bring this out. As to whether there is any question as to the validity of segregation in this case, the Attorney General brought it out with the last witness. He deliberately brought it out, according to which, as I understand from his cross examination, the Attorney General believes the relator has changed his position from conforming to the statute to now insisting that segregation was invalid, and it was the Attorney General who asked

the last question which puts the validity of the segregation statutes flat in issue in this case.

There are several ways of going about proving the unconstitutionality of statutes. They haven't shown any line of reasoning for the statutes. I imagine they are relying on the presumption that the statutes are constitutional. If they are relying on that we have a right to put in evidence to show that segregation statutes in the State of Texas and in any other state, actually when examined, and they have never been examined in any lawsuit that I know of yet, have no line of reasonableness. There is no understandable factual basis for classification by race, and under a long line of decisions by the Supreme Court, not on the question of Negroes, but on the 14th Amendment, all courts agree that if there is no rational basis for the classification, it is flat in the tenth of the 14th Amendment. [fol. 235] The Court: I will let you offer your testimony. I will give you your bill, and I will allow it, at any rate.

Mr. Daniel: Do I understand they will be limited to surveys on law students, or education in general?

The Court: Of course, it is like throwing a rose into a group of flowers. The odor is there. We are presumed to act only upon what is admissible testimony, in the last analysis, anyhow, so I am going to hear it, and if in my opinion it is material and admissible testimony, I will consider it. If it isn't, I will not.

Mr. Marshall: Thank you, sir.

The Court: It will be in the record.

Mr. Daniel: We may have our full bill on it, without repeating our objection?

The Court: That is right, it will follow right through.

Mr. Daniel: Unless there is something else.

The Court: Yes.

By Mr. Marshall:

Q. Dr. Redfield, as to the question of the relationship of segregation to the purposes of education, will you first give us what are the overall acceptable purposes of education as construed by educators in the field? What is the main purpose of public education?

A. No two men, of course, will state this the same way, but I should say that the main purposes of education are to

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[fol. 236] develop in every citizen in accordance with the natural capacities of those citizens, the fullest intellectual and moral qualities, and his most effective participation in the duties of the citizens.

Q. Dr. Redfield, are there any recognizable differences as between Negro and white students on the question of their intellectual capacity?

Mr. Daniel: Your Honor, we object to that. That would be a conclusion on the part of the witness. It covers all negro students and all white students. It isn't limited to any particular study or subject or even show what it is based on.

The Court: I suppose his qualifications he has testified to would qualify him to draw his conclusion.

Mr. Marshall: We will follow with what he bases it on.

A. If your Honor will allow me I will present the answer in that form.

The Court: Yes.

A. We got something of a lesson there. We who have been working in the field in which we began with a rather general presumption among our common educators that inherent differences in intellectual ability of capacity to learn existed between negroes and whites, and have slowly, but I think very convincingly, been compelled to come to the opposite conclusion, in the course of long history, special research in the field.

The general sort of situation, your Honor, which brings [fol. 237] about this opposite conclusion, the conclusion that I may state now, significant differences as to intellectual ability, or as to ability to learn, if any, are probably not present between the two groups. We have been brought to that conclusion, your Honor, by a series of studies which have this general character.

Samples from the two groups, negroes and whites, are placed in as nearly identical situations as possible, and given the limited tasks to perform, tasks which are understood to be relevant to the intellectual faculties, or the capacity to learn. Then these samples are measured against each other as to the degree and kind of success in performing these limited tasks. That is a general description of the material which leads to the conclusion I have stated. Perhaps at this point it is sufficient to say that

the general conclusion to which I come, and which I think is shared by a very large majority of specialists——

Mr. Daniel: We object to that as hearsay, your Honor.

The Court: I think so.

A. The conclusion, then, to which I come, is differences in intellectual capacity or inability to learn have not been shown to exist as between negroes and whites, and further, that the results make it very probable that if such differences are later shown to exist, they will not prove to be significant for any educational policy or practice.

By Mr. Marshall:

Q. As a result of your studies that you have made, the [fol. 238] training that you have had in your specialized field over some 20 years, given a similar learning situation, what, if any differences, is there between the accomplishment of a white and a negro student, given a similar learning situation?

A. I understand, if I may say so, a similar learning situation to include a similar degree of preparation?

Q. Yes.

A. Then I would say that my conclusion is that the one does as well as the other on the average.

Q. Well, in your experience, your studies in this particular field, what is your opinion as to the effect of segregated education; one, on the student—I will give them all to you, and then you can take them separately—two, on the school, and three, on the community in general. Will you give your opinion?

A. My opinion is that segregation has effects on the student which are unfavorable to the full realization of the objectives of education. First,—for a number of reasons, perhaps. I will try to distinguish.

Speaking first with regard to the student I would say that in the first place it prevents the student from the full, effective and economical coming to understand the nature and capacity of the group from which he is segregated. My comment, therefore, applies to both whites and negroes, and as one of the objectives of education is the full and sympathetic understanding of the principal groups in the [fol. 239] system in which the individual is to function as

a citizen, this result which I have just stated is unfortunate.

In the second place, I would say that the segregation has an unfortunate effect on the student, which I might now anticipate, since, to my opinion, has an unfortunate effect on the general community, in that it intensifies suspicion and distrust between negroes and the whites, and suspicion and distrust are not favorable conditions either for the acquisition and conduct of an education, or for the discharge of the duties of a citizen. You asked me, did you not, as to the class, and the community?

Q. The school was the second, and the community was the third.

A. I think I have perhaps indicated the difficulties with reference to the school. The school room situation is, provides less than the complete and natural representation of the full community. That is the general view of educators, or it is my view, I should say. It is my view that education goes forward more favorably if the community of student, scholar and teacher is fairly representative of the total community. Rather, the highly specialized and the development of the suspicion and distrust which the segregated situation brings about is correspondingly unfavorable in the school.

With respect to the general community, I suppose there isn't a great deal to add, but if I am still answering your question, I might say this. In my opinion, segregation acts [fol. 240] generally on the total community in an unfavorable way for the general welfare, in that it accentuates imagined differences between negroes and whites. These false assumptions with respect to the existence of those differences are given an appearance of reality by the formal act of physical separation. Furthermore, as the segregation, in my experience, is against the will of the segregated, it produces a very favorable situation for the increase of bad feeling, and even conflict, rather than the reverse.

Q. Dr. Redfield, what has been your personal experience concerning the admission of minority groups to educational facilities to which they had previously been denied admission?

A. Well, as I have indicated, my principal experience has been in connection, in the University of Chicago, and

in its related educational insitutions. The situation there generally is that no segregation is practiced in any of the educational facilities of the University, neither in the class room nor in the dormitory, or in eating facilities or anywhere else in the educational facilities. While the same city or community in which the University lies is one in which segregation or exclusion is practiced as a matter of custom, but not as a matter of law, in a very wide variety of situations, and facilities open to the general public.

In giving that background, I come to the question of what my experience has been with negroes theretofore denied some educational facilities, and I have had experience with one or two such situations in the Univer-[fol. 241] sity of Chicago and its affiliated institutions, and that in each of the cases that I can recall the result has been, in my opinion, highly beneficial to education and to the University community.

Q. Were there any ill effects at all?

A. I don't know of any.

Q. Do you know of any good effects?

A. Yes. Perhaps I should mention a case. The students were denied admission, negro students were discouraged from admittance is perhaps a more accurate statement, to the laboratory school of the University.

They were discouraged admission for a great many years. Then it was made apparent that they would be welcome, and they began to come, and there was an opposition from a minority of the academic community to the step. Many evil consequences were told. None of those consequences took place, but, on the other hand, there was an improvement in the community in that there was a representation of the national community which is favorable to education, and the relations between the white and the negro groups were improved in parent-teacher and endeavor.

Q. Thank you, Doctor.

Mr. Daniel: I want to be sure that my exceptions and objections have gone to the entire testimony.

The Court: Oh, yes.

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Cross-Examination.

[fol. 242] Questions by Mr. Daniel:

Q. Dr. Redfield, how many of those surveys of the reaction of students have been limited to law school students?

A. Are you speaking of surveys which I made personally, or of which I have known?

Q. Which you made personally?

A. I have never made a survey of law school students.

Q. Is this testimony you have been giving based on surveys you have made, or you have read about?

A. In larger measure, the latter. I have participated.

Q. You have participated in some?

A. Yes.

Q. But the majority of the studies you have been testifying about and upon which your testimony is based, are studies made by other people, and which you have read?

A. That is the nature of science, sir.

Q. Yes. I just want to be sure that is in the record. Somebody may not know that is the nature of the science. Have you yourself made any study of the effect of separate education in law schools?

A. No, sir.

Q. As I understand it, it is your opinion that it is discrimination against the white students to require them to go to a white University here in Texas; is that right?

A. If I understand the meaning of what I said, that isn't what I was attempting to say. I was attempting to describe [fol. 243] the consensus in regard to educational objectives in the policy of segregation.

Q. And you applied that to separate white schools, with only white students. You said several times, I believe, in your testimony, I believe you said several times that the same applied to segregation of white students, making them go to the separate school.

A. I think it is to the advantage of any student to be in a community that is largely representative of the national community.

Q. To that extent, you believe that any state that requires the white students to go into a separate school from the negro students is to that extent a discrimination against the white students?

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A. I am not sure the other description was used, but I think it worked both ways.

Q. It worked both ways. You have talked about a gradual change that you have observed. All of your testimony, I believe, indicated a gradual change in the situation you have talked about, and in the conclusion you have reached.

A. With reference to admission of negroes to facilities that had theretofore been denied them?

Q. Yes.

A. The case I had in mind was where there was a period when they were not admitted, and then a period when they were admitted. I don't know how you use the word "gradual."

[fol. 244] Q. As I understood, you thought there was some difference between ability to learn—

A. I beg your pardon. You are now asking me with respect to the quality of students, as to this matter of racial difference?

Q. Yes.

A. I said opinion on the subject has gradually changed.

Q. Isn't that generally due to the fact that the subject matter has gradually changed over a period of years?

A. We are wiser than we were, yes, sir.

Q. Don't you believe that in a community where segregation has been enforced as long as it has in some of our southern localities, that the only way that the ultimate goal that you think is the best can be properly obtained is by a gradual change, instead of forcing it upon the community?

A. If I can answer the question at all, your Honor, I would like—

The Court: You can explain.

A. I think that all change should not come on any more rapidly than it is consistent with the general welfare.

By Mr. Daniel:

Q. Yes, sir. In other words, you will agree with the other eminent educators in your field, the fields in which you are acquainted, that it is impossible to force the abolition of segregation upon a community that has had it for a long

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number of years, in successfully obtaining the results that are best?

[fol. 245] A. No, I don't agree to that.

Q. Do you think the laws should be changed tomorrow?

A. I think that segregation is a matter of legal regulation. Such a law can be changed quickly.

Q. Do you think it has anything to do with the social standing in the community?

A. Segregation in itself is a matter of law, and that law can be changed at once, but if you mean the attitude of the people with respect to keeping away from people of another race, then perhaps I have another answer.

Q. I am speaking about desired results for the individual and the community, and for the state.

A. Will you ask your question over again?

Q. With respect to the individual, the state, the community and the schools, do you, in your opinion, believe that an immediate change in segregation will accomplish the results that you have testified as being best in a community where segregation has been enforced and recognized for many years?

A. I think in every community there is some segregation that can be changed at once, and the area of higher education is the most favorable for making the change.

Q. You admit there are areas in which the change can not be made at once?

A. You mean in 24 hours, with more harm than good resulting?

Q. Yes.

[fol. 246] A. Certainly.

Q. Or within a year?

A. May I state my opinion again?

Q. Instead of 24 hours, we will say within a year or two.

A. I will put it this way. I think this will satisfy you on that as covering my opinion. I think the steps by which, and the rapidity with which segregation in education can be removed with the benefits to the public welfare will vary with the circumstances.

Q. In other words, the circumstances of the community and how long there has been segregation will have a bearing on it?

A. Yes, sir.

Q. In other words, do you recognize or agree with the school of thought that, regardless of the ultimate objective concerning segregation, that if it is to be changed in southern communities where it has been in effect for many years, if it is to be changed successfully, it must be done over a long period of time, as the people in that community change their ideas on the matter?

A. That contention, I do not think, will be my opinion on the matter scientifically.

Q. Does that represent, scientifically, a school of thought on that, in your science, in the matter?

A. There are some that feel that way.

Q. Yes, sir. You are acquainted with the history of the carpet bagger days in the Civil War?

[fol. 247] A. I feel better acquainted with it today, sir, than anybody.

Q. Dr. Redfield, let me get you clearly on that. You are not talking about your own trip down here, are you, to Texas? You say you are acquainted with it today?

A. It just drifted into my mind.

Q. You recall the carpet baggers, where they packed up and came down here from out of the state. You didn't mean to be talking about your trip down here, did you? You are the only witness from out of the state that we have had on, so far. You didn't mean to be talking about the trip down here?

A. I am afraid the idea has come into my mind now.

Q. That wasn't what you referred to?

A. It is in my mind now.

Q. Are you acquainted with the history of the carpet bagger days in the south?

A. In a very general way.

Q. You know, do you know, from that history, that the attempt to force the abolition of segregation in the south just didn't work?

A. Yes, of course.

Q. Do you feel like the social attitudes and beliefs of the people in that day had some bearing on whether or not it would work?

A. Oh, yes.

Q. Of both races?

[fol. 248] A. Oh, yes.

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Q. Are you acquainted with Howard University Law School in Washington?

A. No, sir, only by reputation.

Q. You know it is a negro law school?

A. Yes.

Q. Have you made any check on the separate Negro Law School as to the kind of educational facilities and equality of opportunities that are offered the students of that school?

A. No.

Q. Would you undertake to testify here, Dr. Redfield, that students attending that separate Law School for Negroes at Howard University do not receive equal educational opportunities in law with those attending a similar white school?

A. In my opinion, deprivation of opportunity to exchange professional and intellectual matters with members of the other major groups in their nation is one of the shortcomings of the school.

Q. You have never made any check, though, as to students who have come out of that school, and where that has been a handicap on them, have you?

A. No, I never have.

Q. It is just your idea it is a handicap, without having checked to see whether or not it is?

A. That is right.

[fol. 249] Q. Are you acquainted with Lincoln University by reputation, a separate law school for Negroes in Missouri?

A. I have heard of it.

Q. Have you made any survey of the students educated in that school?

A. I think I have indicated I made no survey of legal education.

Q. You are not prepared to say whether or not those students who received their legal education in that separate law school come out of there handicapped in any respect as far as their knowledge of the law is concerned, are you?

A. I have the opportunity of transforming a conclusion, and as far as there is validity in that, I can draw a conclusion as far as segregated education is concerned.

Q. I am talking about the individuals who have come out of the separate Negro Law School. Have you made any

check to see whether they have received equal educational opportunities with white students of Missouri in the white law school?

A. I have had no occasion to.

Q. Then, you don't know whether there are any disadvantages or not, actually, to those individuals, do you?

A. In the particular case of those individuals?

Q. Yes, sir.

A. By virtue of knowledge I might have of them in particular, no.

[fol. 250] Q. Do you recognize, Dr. Redfield, that there should be some limit to your theory of abolition of segregation?

A. I think I have indicated a limit.

Q. A limit?

A. Yes, a limit.

Q. What limit do you say there should be, and will still give what you think is necessary from the standpoint of public education?

A. The general welfare would be served by extending non-segregation, at the expense of segregation, and that general limit will be defined in my particular conclusion, as the particular circumstances.

Q. Is it necessary that there be social commingling?

A. I understand that by social commingling is meant communication of students and professor, and intellectual endeavor—yes.

Q. Is that as far as you think it is necessary to have such commingling to obtain the objectives you think are so necessary?

A. I think that whatever commingling is a natural and proper accessory to the educational endeavor will in the long run develop to the general welfare.

Q. Do you think it is necessary to have social commingling of the races in order to obtain the things you think are necessary to give, to attain the objective that you say is set for public education?

[fol. 251] A. The question is repetitious. I have answered it.

Mr. Durham: If your Honor please—

The Court: I really believe he has answered it. If you are

not quite satisfied, General, you may ask another question.

Mr. Daniel: I am not quite satisfied. I don't want to ask an embarrassing question, but yet—you have testified—I really want to know—you have testified that you believe certain segregation must be done away with in order to accomplish the best for the school and the community?

A. If you are thinking about intermarriage—if that is in your mind, I would be delighted to answer.

Q. My mind hadn't gotten quite that far on the subject.

A. I am sorry.

Q. I am simply trying to ask you, since you have testified that a certain amount of doing away with segregation is necessary, I want to know your explanation, or expert opinion, on how far it must be done away with in order to accomplish the best for the individual, the school and the community.

Mr. Marshall: This case is at least limited, and the direct examination is most certainly limited, to education.

The Court: I understood that is what he answered, that only in so far as it was necessary for students to have a mutual exchange of ideas along professional and educational lines.

Mr. Marshall: But this question isn't limited to that.

The Court: I understood he answered as I stated, a good [fol. 252] while ago, General.

Mr. Daniel: I have asked how far he thinks that is necessary.

A. In order to accomplish the educational objective?

Q. Yes.

A. Roughly speaking, in the class rooms and in the natural discussion of educational objectives we have common rooms in our University where the students meet to discuss common educational problems.

Q. What about fraternities? Is it necessary that there be commingling there?

A. In any particular situation, I should think probably not.

Q. You think it is not necessary that they belong to the same social groups?

A. This might not be your case, but I should say probably not.

Q. You feel like a Negro student at a separate school that doesn't have the same fraternities or scholarships as the other school—

A. I was thinking of social fraternities.

Q. Let's limit it to that.

A. That seems relatively unimportant. I could answer it either one way or the other, and I would like to see the particular case to see how I would answer it.

The Court: Are there other questions?

Mr. Daniel: Yes, sir; just a second, your Honor.

[fol. 253] Q. Doctor, are you acquainted with the Encyclopedia Britannica, the publication by that name?

A. I have a set. I don't look at it very often.

Q. You are from the University of Chicago?

A. Yes.

Q. Is that publication now published under the auspices of that University?

A. Yes, sir; and it badly needs rewriting.

Q. It is published under the auspices of your University?

A. Yes.

Q. Have you read the article therein on education, and segregation of the races in American Schools?

A. If I have, I don't remember it.

Q. You don't remember it. Have you written any articles for the Encyclopedia Britannica?

A. No, we are just beginning a revision of anthropological articles, and it seems there has to be a very drastic change.

Q. Do you know who wrote the articles in the Encyclopedia Britannica on the subject of higher education for Negroes, and segregation?

A. I don't remember such articles.

Q. Do you recognize the Encyclopedia Britannica and the articles on such subjects as an authority in the field?

A. No, I do not.

Q. You do not?

[fol. 254] A. No, sir.

Q. Do you know of some scientists in your field who do recognize those articles?

Mr. Durham: We object to that as being irrelevant and immaterial, what somebody else recognizes.

The Court: That would be his—perhaps not what they recognize, but what they have said about it.

A. I think I could answer that question, and do more justice to the meaning than just with a yes or no answer.

By Mr. Daniel:

Q. Go right ahead.

A. All of the articles you have mentioned in that publication are of extremely uneven merit, so that the men with whom I have talked who have studied it—I haven't studied it—tell me that certain articles are extremely good and other articles are extremely bad. That is about the best I can answer.

Q. I understand you are going to leave, and we may want to know something about that, as an authority. Is that Encyclopedia Britannica, could we here in the Court—could the Court, in your opinion, consider that as one of the recognized authorities in the field, if they have an authority on the subject?

A. I don't think you could, for the reason that you might hit on one of the articles that was particularly out of date.

Q. You haven't read the articles on the subjects we are talking about?

[fol. 255] A. If I have, I have forgotten it—I probably have.

Q. But it is your opinion the Court couldn't accept that as an authority?

A. You might get a bad one. I couldn't say.

Q. Could you give us some of the authorities that you think we would be justified in taking as authorities on the subject you have testified to us about? Have you written any books on the subject?

A. Not with respect to the American Negro. I have written on the general subject with respect to other racial groups. Franz Boes, Ruth Benedict, Ashley Montague, Otto Kleinberg. Is that enough.

Q. Give us one more.

A. One more. I will make it a good one. Then, Dr. Leslie White.

Q. Do all of these scientists have the same, share your ideas as to segregation?

A. I don't know.

Q. Do you know any scientists who have written books or articles on the American Negro, on segregation, who do not share your ideas?

A. Many of the scientists that study this problem have not written or expressed themselves on the education results of segregation. They are agreed, all that I have mentioned, and a great many more on the conclusions which I gave in [fol. 256] direct testimony in the first of my remarks with regard to the probability, or the existence of inherent differences in educational capacity, but the application of the conclusion to the school situation concerns a very much smaller group of people, because the group of people concerned with that are educational administrators and the like and many of those people whose names I have given you are not educational administrators.

Q. But on your conclusion as to education, you told me there were authorities in the field who disagreed with your conclusion?

A. I think not.

Q. Maybe I am speaking about the gradual change.

A. I don't know who I could cite for that.

Q. That is all.

Redirect examination.

Questions by Mr. Marshall:

Q. Dr. Redfield, you testified on cross examination that your opinions were based on your own studies, but mostly on other studies that have been made. I want to ask you as to whether or not the studies you are speaking of made by other people were scientific studies or not?

A. They were.

Q. And I want to ask you as to whether or not they were mostly published scientific studies?

A. They were.

Q. Generally recognized in your field as authorities?
[fol. 257] A. Yes, they were.

Q. Do you know of any recognized scientific study that recognizes any inherent racial difference among the races, as to capacity to learn?

A. A man named Portees in Australia published some

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papers which I have read, on the Australian aborigines, which reach the conclusion that there are inherent differences between the races. I am sure there are other papers that reach a similar conclusion. They are all specific studies, and the conclusions are drawn on differences in achievement in the races, and the case of Portees is one. John Ferguson is publishing one, but there are very, very few that would draw the opposite conclusion to the one that I have stated concerning the inherent difference.

Q. Isn't it true the Australian aborigine is on the bottom of the heap?

A. The important thing is there are different studies, and it has taken them a long period of time to reach the conclusion I have offered.

Q. Isn't it true the majority of scientists in your field are in agreement there is no inherent racial difference?

A. Yes.

Q. Isn't it true that such studies as the Kleinberg study in 1935, and others, are specific factual studies which show that a given fact situation, there is no difference?

Mr. Daniel: We object to that because it is leading.
[fol. 258] The Court: Of course, it is leading.

Mr. Marshall: Your witness.

Recross-examination.

Questions by Mr. Daniel:

Q. Dr. Redfield, in determining the question of changing the laws and regulations in a community concerning segregation, how far, in your opinion, should the community, should the State consider the community attitudes of both of the races concerning the matter?

A. It would depend upon the circumstances. I can make an observation, which I think is a partial answer. I think the effect of having a regulation—I guess I will have to make a speech to answer that.

Q. I don't believe——

A. I have got quite a long——

Q. I don't believe it calls for that. I will ask you this: Do you think the community attitude of both of the races should be considered when you go to see what is best in the way of the field of education for that community?

A. I think so. You understand that the attitudes of the community are complex. Attitudes in the State of Illinois and the State of Texas, I take it, are, one; some white people don't want to be near negroes under certain conditions, and those same white people want equality of education and other opportunities in America, and there are both kinds of [fol. 259] attitude in making the change.

Q. Would you consider the attitude of some Negroes that would rather have segregation themselves, in determining the educational situation?

A. Yes, and you have to consider that Texas, with other Americans, share the view that equality of opportunity is due every man in this country, and they are struggling, as are all of us, to reconcile those attitudes.

Q. You would take those two into consideration before you would arrive at what is best to be done for the individual and the community?

A. Always understanding both kinds of attitudes.

Q. I will ask you, Dr. Redfield, if you have made any check on the relative number, of where the Negroes of this country who hold college degrees, have obtained those degrees? Have you made any study as to the opportunities offered for the Negroes of this country to obtain college degrees?

A. I have read reports on it.

Q. Isn't it true that the figures of 85% of the Negroes of this country who have college degrees received them from southern, separate colleges?

A. I don't remember.

Q. Does that sound about right?

A. When you say it, sir, it does.

Q. Thank you. Are you a member of the National Association for the Advancement of Colored People?

A. No.

Q. That is all.

(Witness excused.)

* * * * *

[fols. 310-316] Reporter's Certificate to foregoing transcript omitted in printing.